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January 16, 2004

Mr. Les Grober
Mr. Eric Oppenheimer
Regional Water Quality Control Board Members
Central Valley Region
3443 Routier Road, Suite A
Sacramento, California 95827

Subject: Comments on the Basin Plan Amendment for the Control of Salt and Boron Discharges into the San Joaquin River, and Appendix 1: Technical TMDL Report (November, 2003)

Dear Mr. Grober, Mr. Oppenheimer, and Regional Board Members:

The Modesto Irrigation District (MID) recognizes that salinity is a major problem in the San Joaquin River. However, in order to improve salinity in the river, the Total Maximum Daily Load (TMDL) and Basin Plan Amendment (BPA) must provide a workable plan to: 1) meet salt and boron concentration objectives, and 2) to transport salt out of the basin to avoid a salt build-up in valley ground and surface waters. Unfortunately, the Draft Plan does neither. As drafted, the fixed load TMDL will likely worsen existing salinity problems in the river.

It is clear that an agricultural drain that would convey saline agricultural water to the Bay or Pacific Ocean would be the best solution for both agriculture and the environment. Both the State Water Resources Control Board (SWRCB) and the Central Valley Regional Water Quality Control Board (Regional Board) have taken this position in the past. It is also fairly certain that such a drain will not be constructed in the near future. Therefore, some other solution must be found.

The Draft Base Load Allocation TMDL Plan (Draft Plan) that is being proposed by the Regional Board staff is seriously flawed. MID agrees with the comments submitted by the Turlock Irrigation District (TID) and the San Joaquin Tributaries Association (SJTA) and will not repeat the details of those comments in this letter. In summary, the MID agrees that the criteria used to evaluate the Draft Plan is flawed and, as drafted, the Draft Plan:

- Will cause significant degradation to the agricultural land in the San Joaquin Valley in that it limits salt export out of the Valley.
- Is overly complex and would be impossible to implement.
- Is not even close to being an equitable solution to the problem.
- Produces unintended environmental and physical consequences.
- Will cause conditions that will frequently not meet the Vernalis salinity objectives.
- Will cause conditions that will not meet future anticipated salinity objectives.
- Will frequently cause a cessation of the discharge of high quality water from Eastern San Joaquin Valley districts while allowing poor quality water from Westside districts to continue.
- Will allow current problems to continue, rather than leading to a solution.
- Will cost significantly more than reported in the economic analysis.
- Does not direct the solution of the problem toward the major cause of the problem, and that is the operation of the Central Valley Project.

In addition, it appears that the Draft Plan is also being used to extract good quality water from the owners of senior water rights on Eastside tributaries to the San Joaquin River. The MID believes that such tactics are not only extremely poor policy, but in fact, illegal. On several occasions, the SWRCB has stated, "the use of high quality in-stream flows to dilute polluted water is not a beneficial use of the high quality water".

The MID supports the Concentration-based approach outlined by the TID as being easier to implement, more cost effective, less complicated, and more solution directed.

The MID will continue to work with the Regional Board in its efforts to resolve the San Joaquin River salinity problems. However, MID cannot support the Draft Plan currently being proposed by the staff of the Board.

Please do not hesitate to call me if you have any questions regarding the MID position in this matter. My phone number is 209-526-7459.

Sincerely,
MODESTO IRRIGATION DISTRICT

Allen Short

ALLEN SHORT
General Manager

C: OID
 SSID
 TID
 Merced ID
 Modesto ID